

Management System: Environmental, Safety, and Health

Subject Area: Environmental Compliance

Procedure: Following the Environmental Assessment (EA) Process

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1.0 Applicability

This Procedure applies to Environmental Management Consolidated Business Center (EMCBC) and/or Service Level Agreement (SLA) staffs who prepare, review, or approve National Environmental Policy Act (NEPA) Environmental Assessment Determinations (EADs), Environmental Assessments (EAs), or Findings of No Significant Impact (FONSI) for EM actions. This includes the Director of the EMCBC, Heads of Field Organizations, Field Element Managers, Federal Project Directors, project managers, contracting officers, realty officers, NEPA Compliance Officers (NCOs), NEPA Document Managers (NDMs), legal counsel, and public affairs/communications specialists.

2.0 Required Procedure

Step 1

If either a Supplement Analysis-like process or the EMCBC Procedure, Establishing the Level of National Environmental Policy Act (NEPA) Review or Documentation, results in an NCO recommendation to prepare an EA, the NCO, with the assistance of the responsible line organization, prepares an EAD memorandum to facilitate a formal determination by the EMCBC Director/SLA Director/Federal Project Director.

The EAD includes:

- Title of the proposed action and the name of the project;
- Location of the action;
- Brief description of the proposed action and potential issues;
- Classes of the actions to be applied from 10 CFR 1021, Appendix C to Subpart D of Part 1021 (Classes of Actions that Normally Require EAs but not Necessarily EISs) or recognition that no class of action applies;

	<ul style="list-style-type: none"> • Justification for recommendation, including a comparison against any potentially applicable category of actions in 10 CFR 1021, Appendix D to Subpart D of Part 1021—Classes of Actions that Normally Require EISs; • Designation of the NDM; • Managing historic and cultural resources and complying with the Endangered Species Act; • Signature line for the NCO; • Concurrence by line program/project manager(s) responsible for the proposed action, legal counsel, local public affairs/communications manager, and other non-line management staff as deemed appropriate by the NCO; and • Approval line for the Director/SLA Field Element Manager or Federal Project Director <p>NOTE: For complex actions, the NCO may initiate early internal scoping prior to the EAD.</p>
Step 2	<p>Following approval of the EAD, the NCO, with the assistance of the NDM, obtains an EA document number from the U.S. Department of Energy (DOE) Headquarters (HQ) Office of NEPA Policy and Compliance (GC-54). The following information is to be provided:</p> <ul style="list-style-type: none"> • Contact information (NCO and NDM), • Name of project, • Location, • Short description, • Tentative cost estimate, and • Tentative milestones (determination date, date of transmittal to state, EA/FONSI approval date, and EA distribution date).
Step 3	The NCO instructs the NDM concerning the duties of that position.
Step 4	The NDM, in consultation with the NCO and legal counsel, commences maintenance of the official administrative record in accordance with applicable EMCBC, SLA, or Field Operation Site office records management requirements
Step 5	The NDM commences routine reporting consistent with requirements for preparing NEPA annual planning summaries and monthly reports.
Step 6	The NCO initiates the public participation process by notifying host state(s) and tribe(s) in writing of the intent to prepare an EA. The NCO should also commence outreach to other Federal and local government officials, and other appropriate stakeholders (if any). See PP-OTSAM-451-05, Rev. 0, <i>Conducting Public Participation Under NEPA</i> .
Step 7	The NDM seeks the cooperation of other potentially involved/interested agencies, including Federal, state, local, tribal, and nongovernmental entities, as needed. In consultation with the EMCBC Director/ SLA Director/Federal

	Project Director, legal counsel, program/project management, real property and other organizations are invited to be cooperating agencies on the NEPA document.
Step 8	<p>The NDM, in consultation with the NCO, assembles the NEPA project team. The members of the NEPA project team could (depending on the complexity, degree of public concern, or the level of controversy regarding the action) include the following:</p> <ul style="list-style-type: none"> • DOE program/project manager, • Applicant program/project manager, • NCO or representative designated by the NCO, • Legal counsel (serves as an advisor to the NEPA project team), • Community/public relations specialist, • NEPA document preparer, • Other program or technical specialists, as needed, and • Representatives from cooperating agencies.
Step 9	Although not required, in consultation with the NCO, the NDM may prepare specific QA plans and public participation plans. The NDM may also prepare an implementation plan. See PP-OTSAM-451-05, Rev. 0, <i>Conducting Public Participation Under NEPA</i> , and PP-OTSAM-451B-06, Rev. 0, <i>Quality Assurance Plan for NEPA Process</i> .
Step 10	The NDM, with support from the NCO and DOE program manager/project director, designates the NEPA document preparer or obtains NEPA contractor support. This will be done in coordination with and lead by the EMCBC Office of Contracting.
Step 11	<p>The NDM, with the support of the NCO, leads the NEPA project team in internal scoping to identify the issues and alternatives to be evaluated and the depth of analysis required.</p> <p>The NDM and NEPA document preparer/contractor provide the NEPA project team members with the following information (at a minimum) at or prior to the first internal scoping meeting:</p> <ul style="list-style-type: none"> • Draft project team charter, • A copy of the approved environmental checklist (See EMCBC Procedure, Establishing the Level of National Environmental Policy Act [NEPA] Review and Documentation), • A copy of the EAD, • Copies of relevant guidance, • Discussion draft planning documents (e.g., QA plans and public participation plans), • Discussion draft material on the purpose and need for the proposed action,

	<ul style="list-style-type: none"> • Preliminary alternatives, • Preliminary annotated outline and analysis approach, • Preliminary schedule, • Preliminary draft material on a description of the proposed action, including conceptual design reports, and • Summary material on related NEPA reviews. <p>The number and format of the internal scoping meetings are to be commensurate with the complexity of the action and the degree of public concern. The internal scoping process for an EA is considered complete when the NEPA project team reaches a consensus on the scope of the EA, the technical approach to the NEPA process, document organization, and for a data call necessary for NEPA document preparation.</p> <p>NOTE: If at any time during the scoping process information and analysis indicate the potential for significant impacts, the EA process may be suspended and a Notice of Intent (NOI) to prepare an EIS issued in accordance with EMCBC Procedure, Following the EIS Process.</p>
Step 12	The NEPA document preparer/contractor commences preparation of the EA. If the NCO following initial development of the EAD process deemed there was a strong possibility of the potential that an EIS could be warranted then the EIS recommendation would be made to management.
Step 13	The NDM and NCO, with the assistance of the NEPA document preparer/contractor, transmit official requests for consultation to other Federal Agencies with jurisdiction over the proposed action. These include the State and U.S. Fish and Wildlife Service (under Section 7 of the Endangered Species Act, as Amended); the U.S. Army Corps of Engineers and appropriate state agencies (under Section 404 of the Clean Water Act, as Amended); and the State/Tribal Historic Preservation Officer (under Section 106, National Historic Preservation Act, as Amended). The NDM ensures that these requirements are met, with few exceptions, prior to release of the final draft EA.
Step 14	During document preparation, the NDM, with support from the NCO and legal counsel, ensures that the final draft NEPA Document is prepared in accordance with the DOE NEPA Guidance: Revised Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements (The Green Book), 2nd Edition, and other relevant guidance.
Step 15	<p>a. Subsequent to completion, the NEPA project team reviews the final draft EA, ensuring that it:</p> <ul style="list-style-type: none"> • Demonstrates that the Agency fully considered the available data. • Presents a credible reasoned analysis commensurate with the significance of the impacts of the proposed action and alternatives. • Incorporates appropriate mitigation.

	<ul style="list-style-type: none"> b. The NDM provides a roll up of the NEPA project team comments to the NEPA document preparer/contractor, interfacing with NEPA project team members and the NEPA document preparer as appropriate, to ensure comments are addressed in subsequent drafts of the EA.
Step 16	The NEPA document preparer/contractor, as necessary, reworks the EA until an adequate final draft is obtained. If the NEPA document preparer is unable to produce an adequate product, the NDM, in coordination with the DOE Project Director and DOE Contracting Officer obtains a new NEPA document preparer/contractor. This would only be under worst-case conditions.
Step 17	The NDM arranges for a classification review of the final draft EA prior to public release.
Step 18	With the support of legal counsel and local public affairs/communications staff, the NDM prepares letters to the host state(s), tribe(s), and other Federal and local government stakeholders to request comment. At EMCBC Director/SLA Director/FPD discretion, the signing of these letters may be delegated. Consistent with internal scoping, notification of availability of the final draft EA for comment may be placed in the local media and public comment solicited. See SAP-OTSAM-451-05, Rev. 0, <i>Conducting Public Participation Under NEPA</i> .
Step 19	The NDM ensures that states, tribes, other Federal and local government agencies, and potentially the public have at least 14 to 30 calendar days to review and comment on the final draft EA.
Step 20	The NDM and NCO provide two paper copies of the final draft EA, an electronic file for posting on line, and a completed DOE NEPA Document Certification and Transmittal Form to the Office of NEPA Policy and Compliance. If public comment is not being solicited, the NDM instructs the Office of NEPA Policy and Compliance not to post the EA on line.
Step 21	The NDM may hold a public hearing. See PP-OTSAM-451-05, Rev. 0, <i>Conducting Public Participation Under NEPA</i> .
Step 22	<ul style="list-style-type: none"> a. Subsequent to the comment period, the NDM compiles the comments on the final draft EA, assembles the NEPA project team to discuss them, and to decide if they warrant further investigation or updates to the final draft EA. Those received late are considered to the extent possible. b. The NEPA project team provides any necessary additional comments to the NEPA document preparer/contractor.
Step 23	The NEPA document preparer/contractor makes necessary changes to the final draft EA and prepares a comment/response appendix that is included in the preliminary final EA.
Step 24	<ul style="list-style-type: none"> a. The NEPA project team conducts a final quality review of the document and makes comments as appropriate. b. The NDM coordinates as necessary with internal and external

	individuals or organizations (e.g., NCO, cooperating agencies) to ensure that the preliminary final EA is sufficient to support approval of the EA and a determination by the Director/SLA Director/FPD.
Step 25	The NDM, as necessary, repeats the preceding two steps until an adequate preliminary final EA is obtained.
Step 26	The NDM ensures that a security review of the preliminary final EA is conducted prior to public release.
Step 27	If the EA will not support a FONSI, the EA process terminates and the NCO prepares an EISD recommendation to the EMCBC Director/SLA Director/FPD and initiates an EIS. See SAP-OTSAM-451B-04, Rev. 0, <i>Following the Environmental Impact Statement (EIS) Process</i> .
Step 28	If the EA supports a FONSI or mitigated FONSI, the NCO prepares a recommendation to the EMCBC Director/SLA Director/FPD to approve the EA. It may take the form of an action memorandum (with a copy of the EA attached), signed by the NCO with an approval line for the EMCBC Director/SLA Director/FPD. The memorandum can also be used to transmit the FONSI to the EMCBC Director/SLA Director/FPD for signature. Alternatively, EA approval may occur in a memorandum signed directly by the EMCBC Director/SLA Director/FPD. The concurrence chain minimally includes the NDM, staff counsel, line program/project manager, and the local public affairs/communications manager.
Step 29	<ol style="list-style-type: none"> a. The NDM coordinates public release of the final EA and FONSI with the office's communications manager. If the draft EA was originally released for public comment, a press release may be issued upon completion. The press release states where copies of the final EA are available and provides information for those who want to request their own copy. b. The NDM distributes the final EA (normally within two week approval) as follows: <ol style="list-style-type: none"> • Host state/tribe planning and environmental departments, • Adjacent affected states (if appropriate), DOE HQ or EMCBC/SLA Site Office reading room/local public library (two copies), DOE HQ Office of General Counsel, Office of NEPA Policy and Compliance (GC-54) (three hard copies, one Adobe Acrobat PDF electronic copy), • NCO (number of copies to be determined), and • NEPA project team members (number of copies to be determined). • Other interested agencies, organizations or individuals may receive a copy of the documents upon request. Although GC-54 makes nearly all EAs available on its internet site, posting is not immediate. Hence, the NDM must consider making it available

	on another internet site.
Step 30	The NDM, with support from the NCO and other members of the NEPA project team, prepares as necessary a “mitigation action plan” and begins annual reporting.
Step 31	The NDM, with support from the NCO and other members of the NEPA project team, completes the Lessons Learned Questionnaire, Revision III.
Step 32	The administrative record is closed out and maintained in accordance with applicable EMCBC, SLA, or Field Operation Site office records management requirements.

3.0 References – Forms/Attachments/Exhibits

- 3.1 SAP-OTSAM-451B-04, Rev. 0, *Following the Environmental Impact Statement (EIS) Process*
- 3.2 PP-OTSAM-451-05, Rev. 0, *Conducting Public Participation Under NEPA*
- 3.3 PP-OTSAM-451B-06, Rev. 0, *Quality Assurance Plan for the NEPA*

4.0 Records Generated

Records generated by the EMCBC through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support & Asset Management in accordance with the EMCBC Organizational File Plan. SLA and Field Operation Sites shall maintain records generated through implementation of this procedure under the same records category code that is the equivalent to the DOE records disposition authority, and are managed in accordance with their respective site file plan.

Records Category Code	Records Title	Responsible Organization	Quality Records Classification (Lifetime, Non-Permanent, or Not Applicable)
ENV-02-F-02C	National Environmental Policy Act and Related Laws Documentation, Environmental Assessment Records	Office of Technical Support & Asset Management, or applicable SLA or Field Operation Site Office	Not Applicable
ENV-02-F-04	National Environmental Policy Act and Related Laws Documentation, Support Documentation	Office of Technical Support & Asset Management, or applicable SLA or Field Operation Site Office	Not Applicable

EMCBC RECORD OF REVISION

DOCUMENT TITLE: Following the Environmental Assessment Process

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

I Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

I Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Revised Document to align with new Executive Order 13693 requirements	1 – 6	9/21/16